

FILED

2008 AUG 11 AM 10:35

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Magistrate's Case No.:

Plaintiff,

COMPLAINT FOR VIOLATION O

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Title 21 U.S.C. § 841(a)(1)
Possession of a controlled

Joel Isaac SANCHEZ-Garcia (1)

Substance

Benito HERNANDEZ-Lopez (2)

Distribute

JOSÉ Luis ROSAS Baena (5)
José Alberto VARGAS-Guil

JOSÉ ALBERTO VARGAS-GUILLEN (4)

Defendants

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The undersigned complainant duly sworn states:

That on or about August 9, 2008, within the Southern District of California, defendants Joel Isaac SANCHEZ-Garcia, Benito ANDEZ-Lopez, Jose Luis ROSAS-Launa and Jose Alberto VARGAS-Len did knowingly and intentionally possess with intent to distribute approximately 107.4 kilograms (236.7 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

Darien Dir, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, August 11, 2008.

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

True

1 UNITED STATES OF AMERICA

2 v.

3 Joel Isaac SANCHEZ-Garcia

4 Benito HERNANDEZ-Lopez

5 Jose Luis ROSAS-Launa

6 Jose Alberto VARGAS-Guillen

7 STATEMENT OF FACTS

8 I, Special Agent Darien Dir, of the Drug Enforcement
9 Administration (DEA), declare under penalty of perjury, the
10 following is true and correct:

11 On Saturday, August 9, 2008, United States Border Patrol
12 (USBP) Agents were performing line watch operations near the
13 Tecate, California Port of Entry (POE). At approximately 8:40 PM,
14 USBP Agents noticed two individuals brushing out footprints from
15 the dirt. This activity is usually an attempt to destroy
16 footprints left behind and is an indication of an illegal entry
17 into the United States. USEBP agents continued to monitor the area
18 where these individuals were observed. No one was seen walking
19 north or south out of the area. At approximately 9:45 PM, USBP
20 agents walked to the area where the individuals were last seen and
21 came upon four males, later identified as Joel Isaac SANCHEZ-
22 Garcia, Benito HERNANDEZ-Lopez, Jose Luis ROSAS-Launa and Jose
23 Alberto VARGAS-Guillen, lying down on their backs attempting to
24 conceal themselves in thick brush. USBP Agent Matthew Quadrant
25 approached the individuals and identified himself. Upon approach,
26 Agent Quandt immediately noticed four very large backpacks within
27 five feet of the four individuals. Agent Quandt also noticed that
28 all four of the subjects were wearing cloth coverings over their
 shoes. The cloth coverings are often worn by persons illegally

1 crossing the border in an attempt to avoid leaving footprints and
2 being detected by USBP Agents. Agent Quandt asked all four
3 individuals if they had any immigration documents allowing them to
4 enter or remain in the United States legally. All four individuals
5 responded that they did not have such documentation, and were
6 subsequently arrested. The four males and backpacks were
7 transported to the El Cajon Border Patrol Station. Further
8 inspection of the backpacks revealed ten (10) individual packages.
9 Each package contained a green leafy substance wrapped in packing
10 tape and cellophane with a total gross weight of 107.4 kilograms
11 (236.7 pounds). A narcotics field test was performed on a random
12 package. The test returned a positive result for the presence of
13 marijuana.

14 At approximately 2:00 AM, The DEA was notified. Special
15 Agents (SA) Darien Dir and Jacob Alvarado responded and took
16 custody of the four males and the marijuana.

17 At approximately 3:28 AM, SA Alvarado, who is fluent in the
18 Spanish language, read Joel Isaac SANCHEZ-Garcia his Miranda Rights
19 in Spanish via a DEA-13A card, as witnessed by SA Dir. SANCHEZ-
20 Garcia stated that he understood his rights and agreed to speak to
21 Agents.

22 SANCHEZ-Garcia stated that he found the backpack of marijuana
23 that he was carrying on a road and did not know who it belonged to
24 or where he was going to take it.

25 At approximately 3:40 AM, SA Alvarado read Benito HERNANDEZ-
26 Lopez his Miranda Rights in Spanish via a DEA-13A card, as
27 witnessed by SA Dir. HERNANDEZ-Lopez stated that he understood his

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rights and agreed to speak to Agents.

1 HERNANDEZ-Lopez stated that he was transporting the backpack
2 of marijuana for an unknown amount of money. HERNANDEZ-Lopez
3 stated that he retrieved the backpack of marijuana in a small town
4 near the International Border in Tecate, Mexico. HERNANDEZ-Lopez
5 stated that from there, he and the three (3) other individuals that
6 he was arrested with began walking together through the desert
7 until they were arrested by USBP agents approximately thirty (30)
8 minutes later.

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10 At approximately 4:00 AM, SA Alvarado read Jose Luis ROSAS-
11 Launa his Miranda Rights in Spanish via a DEA-13A card, as
12 witnessed by SA Dir. ROSAS-Launa stated that he understood his
13 rights and agreed to speak to Agents.

14 ROSAS-Launa stated that on August 9, 2008, he was offered a
15 job smuggling marijuana into the United States by two older,
16 unknown males in Tecate, Mexico. ROSAS-Launa stated that he
17 accepted the job offer, but didn't know how much he was going to
18 get paid for smuggling the marijuana into the United States.
19 ROSAS-Launa stated that he knew he would get paid more than \$200.00
20 for his services. ROSAS-Launa stated that the two unknown males
21 took him North to an area in Tecate, Mexico near the International
22 Border known as "Primera Mayo" where he met with the three other
23 individuals he was arrested with. ROSAS-Launa stated that he and
24 the other three males put the backpacks on began walking North
25 through the desert. ROSAS-Launa stated that they walked for
26 approximately ten minutes until they hid in the desert and waited
27 for a guide to show them where to drop off the marijuana. While

they were waiting, ROSAS-Launa stated, they were arrested by USBP Agents.

At approximately 4:23 AM, SA Alvarado read Jose Alberto VARGAS-Guillen his Miranda Rights in Spanish via a DEA-13A card, as witnessed by SA Dir. VARGAS-Guillen stated that he understood his rights and agreed to speak to Agents.

VARGAS-Guillen stated that he was offered a job smuggling marijuana, for an unknown sum of money, by an unknown individual in Tecate, Mexico. VARGAS-Guillen stated that he accepted the job offer, and traveled with the unknown male to the Primera Mayo area of Tecate, Mexico. Once there, VARGAS-Guillen stated that he met up with the three other individuals he was arrested with. VARGAS-Guillen stated that all four of them put on the marijuana laden backpacks and were told to walk North across the International Border through the desert near the Tecate POE. VARGAS-Guillen stated that they all walked for approximately forty-five minutes until they were arrested by USBP Agents.

At approximately 8:20 AM all four individuals were transported to the Metropolitan Correctional Center pending their initial appearances before a United States Magistrate Judge.

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